



ARKANSAS SECRETARY OF STATE

MARK MARTIN

December 28, 2017

The Honorable Tena O'Brien
Benton County Clerk
215 East Central St, Suite 217
Bentonville, AR 72712-5373

Re: City of Bentonville Annexation Ordinance 2017-187

Dear Ms. O'Brien,

This letter acknowledges receipt and filing of the following notice of municipal boundary change by the Office of the Secretary of State:

Filing Type: Annexation pursuant to A.C.A § 14-40-609 (petition by 100% of the landowners)

Effective Date: 12/28/2017

County: Benton

City: Bentonville

City Ordinance: 2017-187

Dated: 11/28/2017

County Court Order: CC-2017-27

Date Filed: 11/29/2017 Honorable Barry Moehring, Benton County Judge

A file marked copy of the ordinance, Court Order and exhibits submitted to our Office are enclosed. By copy of this letter (and its enclosures), the Secretary of State hereby notifies the appropriate mapping authorities for Arkansas. Please retain these copies as official record of the filing of the municipal boundary change by the Arkansas Secretary of State.

If you have any questions or concerns regarding this pending filing, please contact our office at 501-682-3401.

Sincerely,

Cynthia Fisher
Arkansas Secretary of State Legal Division
500 Woodlane St, Room 256
Little Rock, AR 72201
501-682-3401

cc: Arkansas Geographic Information Systems Office (w/ encl)
Arkansas Highway and Transportation Department Mapping Department (w/ encl)
Department of Finance and Administration (w/encl)
Arkansas Public Service Commission (w.encl)
UALR Institution for Economic Advancement (w/encl)
Tom-Tom (w/encl)
Honorable Bob McCaslin, Mayor of Bentonville





Arkansas Secretary of State

Mark Martin Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

Municipal Boundary Change Checklist

County: Benton City/Town: Bentonville

City Ordinance/Resolution No: 2017-187 Date approved: 11/28/2017

County Court Case No: CC 2017-30 Date Order Filed: 11/29/2017

Type: Annexation by Petition of all Landowners A.C.A §14-40-609

Date Change Effective: 12/28/2017 Set by: Municipal Ordinance Emergency Clause Default
(Required by Act 653 of 2017)

For Circuit Court Challenge: Date Order Filed: _____ Upheld Overturned Other *(attach explanation)*

Initiating party:

All Landowners Majority Landowners Municipal Governing Body State Other _____

Supporting Documentation attached *(check all that apply):*

- File marked copy of City Ordinance/Resolution *(required)*
- File marked copy of County Court Order or certified annexation election results *(required except for island annexation)*
- Copy of Arkansas GIS Office approved printed map and certification letter *(required)*
- Proof of Publication for all Legal Notices *(include Hearing, Election, and City Ordinance/Resolution notices)*
- File marked copy of Petition Part *(if applicable)*
- File marked copy of Complaint and final Circuit Court Order *(Court Challenge only)*

Municipal Contact:

Name: Bob McCaslin Title: Mayor

Street Address: 117 W Central Ave

City: Bentonville St: AR Zip code: 72712

Complete one form per ordinance/resolution, attach it as a cover page to the supporting document set and submit to the County Clerk's Office within 45 days of the Effective Date as required by Act 655 of 2017

County Official:

Signature: Tiffany Anderson Title: County Deputy Clerk

Date: 11-30-17

Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documentation within 30 days of receipt to: Arkansas Secretary of State, Attn: Municipal Boundary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094

Office of the Arkansas Secretary of State use only

Received by: Cynthia Fisher

FILED

DEC 28 2017

Arkansas
Secretary of State

BENTON COUNTY

STATE OF ARKANSAS

TENA O'BRIEN

COUNTY CLERK & VOTER REGISTRAR
215 EAST CENTRAL, SUITE 217
BENTONVILLE, AR 72712-5373

November 30, 2017

PROBATE COURT CLERK
COURTHOUSE, 102 N.E. "A" STREET
BENTONVILLE, AR 72712-5350

Honorable Mark Martin
Secretary of State
Room 256 State Capitol
Little Rock, AR 72201-1094

RE: Joe Randel
City of Bentonville Annexation
Benton County Court Case No. CC# 2017-30

Dear Secretary Martin:

In accordance with the law, I am enclosing a certified copy of each of the following:

1. Map (survey and vicinity map) of the affected area
2. Order Confirming Annexation entered on November 29, 2017
3. Ordinance No. 2017-187 adopted on November 28, 2017, by the City of Bentonville

If you have any questions regarding this matter, please do not hesitate to call my office.

Sincerely,



Tena O'Brien By: T. C. Woodward

TO/tku
Enclosures

cc: Roderick Grieve
Benton County Assessor

NW Arkansas Regional Planning Commission
1311 Clayton Street
Springdale, AR 72765

Benton County 9-1-1 Administration

COUNTY CLERK
(479) 271-1013
FAX (479) 271-1019

BENTONVILLE
(479) 271-1013
FAX (479) 271-1019

PROBATE COURT CLERK
(479) 271-5727
FAX (479) 271-1712

ROGERS
(479) 636-3727
FAX (479) 636-4922
ARCHIVIST (479) 636-1037
FAX (479) 636-1053

FILED

2017 NOV 29 PM 12: 18

ORDINANCE NO. 2017-187 FILED
CO & PROBATE CLERK
BENTON COUNTY, AR

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF BENTONVILLE, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF BENTONVILLE, AND ASSIGNING SAME TO WARDS.

WHEREAS, petition was filed with the County Clerk of Benton County, Arkansas by JOE ROBERT RANDEL, praying that certain territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

WHEREAS, on the 2nd day of November, 2017, the County Court of Benton County, Arkansas, entered an order authorizing annexation pursuant to § 14-40-609 of the Arkansas Code, finding that the petition met the requirements for annexation under that provision and directed the Clerk to forward the order to the Mayor of the City of Bentonville; and

WHEREAS, the order entered by the County Judge provides that in order to accept the annexation proposed by the petitioners, the City of Bentonville is also required to accept as part of the territory to be annexed certain dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, the legal descriptions for which are included as an attachment to the County Court's order,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

Section 1. That the land described on the attached Exhibit "A," which includes both the territory sought to be annexed by the petitioners and the dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, is territory contiguous to and adjoining the City of Bentonville, Arkansas, and the petition to annex that property is hereby granted and the

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DEC 28 2017

Arkansas
Secretary of State

2017 3924

FILED

2017 NOV 29 PM 12:18

TO: COUNTY CLERK
CO. & PROBATE CLERK
BENTON COUNTY, AR

property described in Exhibit "A" is hereby accepted as part of and annexed to and made a part of the City of Bentonville.

Section 2. That the above described territory shall be annexed to and made a part of Ward 2 of the City of Bentonville, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

Section 3. That the above described territory shall be zoned A-1, to be used in accordance with City zoning laws and the laws of the State of Arkansas.

Section 4: That this ordinance shall become effective 30 days from its passage and approval.

PASSED AND APPROVED THIS 28th DAY OF NOVEMBER, 2017.

APPROVED: Bob McCaslin
HON. BOB McCASLIN, Mayor

ATTEST: Linda Spence
HON. LINDA SPENCE, City Clerk

Randel Annexation Ordinance
EXHIBIT "A"

FILED

2017 NOV 29 PM 12: 18

Part of the NE ¼ of the SW ¼ of Section 24, Township 20N, Range 31W, Benton County, Arkansas, being more particularly described as follow:

BENTON COUNTY, AR
CO & PROBATE CLERK
BENTON COUNTY, AR

Beginning at a point which is S 0° 25' 48" W, 663.22' from the NE Corner of the NE ¼ of the SW ¼ of said Section 24;




Thence S 0° 25' 48" W, 150';
Thence S 54° 22' 20" W, 225.21';
Thence S 66° 46' 31" W, 343.84';
Thence N 26° 52' 15" W, 268.19';
Thence N 74° 03' 16" E, 646.24' to the point of beginning.

-AND THE FOLLOWING DESCRIBED PROPERTY
(WHICH IS DEDICATED PUBLIC ROADS AND RIGHTS OF WAY)-

Part of the NE ¼ of the SW ¼ of Section 24, Township 20N, Range 31W, Benton County, Arkansas, being more particularly described as follow:

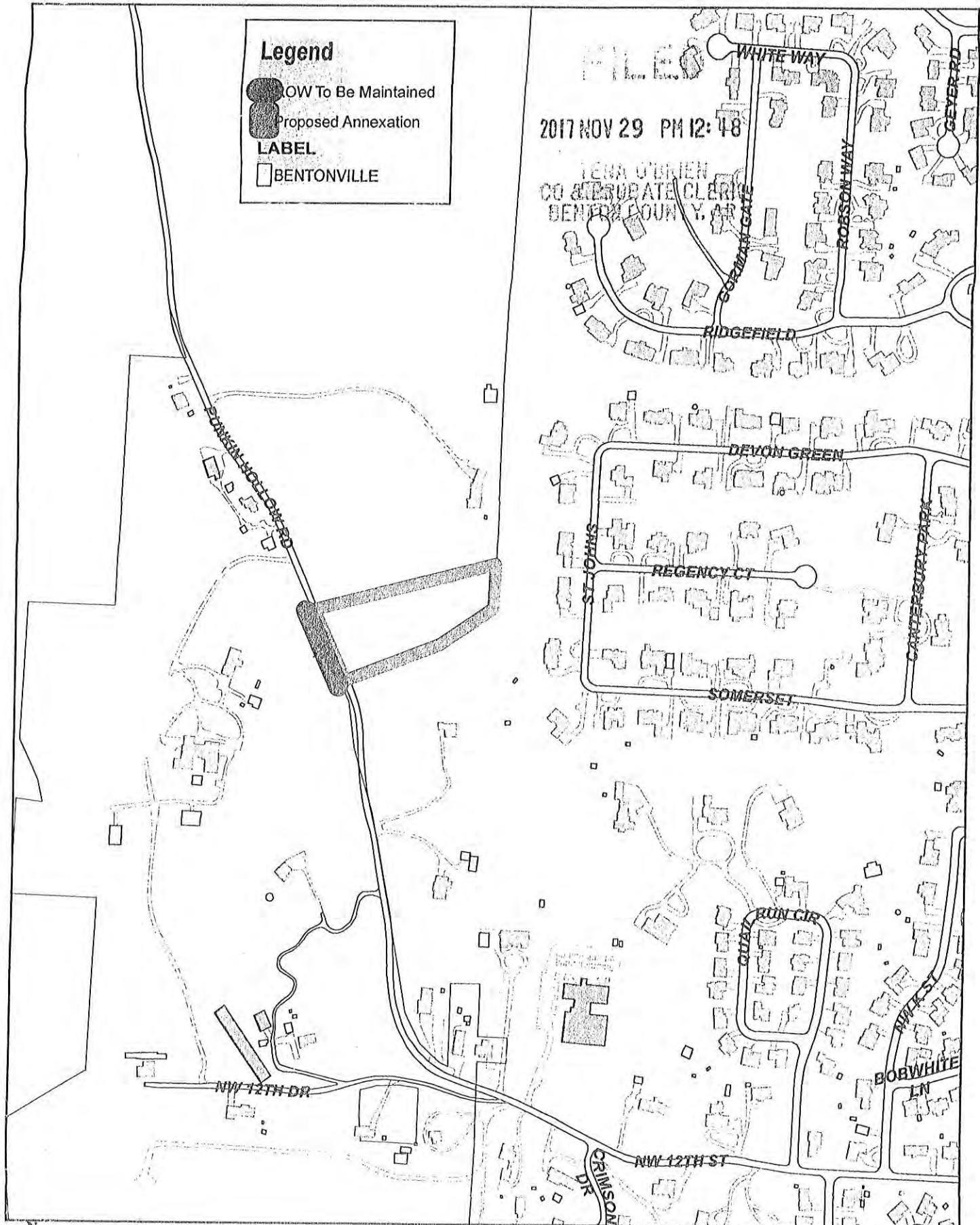
Commencing at the NE Corner of the NE ¼ of the SW ¼ of said Section 24;
Thence S 0° 25' 48" W, 663.22';
Thence S 0° 25' 48" W, 150';
Thence S 54° 22' 20" W, 225.21';
Thence S 66° 46' 31" W, 343.84' for the point of beginning;
Thence S65°17'23"W, 16.59';
Thence N24°42'37"W, 268.19';
Thence N65°17'23"E, 16.95';
Thence S24°38'01"E, 268.19' to the point of beginning.

Legend

-  OW To Be Maintained
-  Proposed Annexation
- LABEL**
-  BENTONVILLE

2017 NOV 29 PM 12:48

TEMA OTTINIEN
CO OPERATE CLERK
BENTON COUNTY, AR



2017 3927

**Proposed Annexation
(Randel)**

1 inch = 417 feet



FILED

2017 NOV -7 PM 12: 04

TERIA O'BRIEN
CLERK & PROBATE CLERK
BENTON COUNTY, ARK.

IN THE MATTER OF ANNEXING TO THE
CITY OF BENTONVILLE, ARKANSAS
CERTAIN TERRITORY CONTIGUOUS TO SAID
CITY OF BENTONVILLE, ARKANSAS

Joe Randel, Petitioners

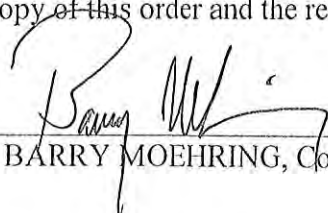
COUNTY COURT ORDER NO. CC 2017-30

ORDER AUTHORIZING ANNEXATION PURSUANT TO ACA § 14-40-609

I, Barry Moehring, County Judge of Benton County, having reviewed the attached petition for annexation and verification of petition, hereby find that the petition:

- 1) is in writing;
- 2) contains an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming their desire to be annexed;
- 3) contains an accurate description of the relevant property or properties;
- 4) contains a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;
- 5) contains a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town – additionally a copy of the letter from the State of Arkansas GIS office approving the legal description for the annexation was provided;
- 6) includes a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final; and
- 7) does not include in its description certain dedicated public roads and rights of way abutting or traversing the property to be annexed, the legal description(s) for which are included on the attached Exhibit "A" to this order, and which are depicted in the attached Exhibit "B" to this order, and any acceptance of this annexation by the City of Bentonville is required to include acceptance of the property described in Exhibit "A" and depicted in Exhibit "B" in the resolution or ordinance accepting such annexation or an order confirming the annexation will not be entered.

The County Clerk is directed to forward a copy of this order and the related Petition to the Mayor of the City of Bentonville.



HON. BARRY MOEHRING, County Judge

Nov. 7, 2017

Date

FILED

DEC 28 2017

Arkansas
Secretary of State

FILED

2017 NOV -7 PM 12:06

EXHIBIT "A"
RIGHT OF WAY DESCRIPTION
FOR PUNKIN HOLLW ROAD

TERA O'BRIEN
CO. & PROBATE CLERK
BENTON COUNTY, ARK.

A part of the Northeast quarter of the Southwest quarter of Section 24, Township 20-North, Range 31-West, Benton County, Arkansas, being more particularly described as follows:

Commencing at the Northeast corner of said Northeast quarter of the Southwest quarter; thence $S00^{\circ}25'48''W$ 813.22 feet; thence $S52^{\circ}22'20''W$ 225.21 feet; thence $S66^{\circ}46'31''W$ 318.84 feet to the Point of Beginning; thence $S66^{\circ}46'31''W$ 50.10 feet; thence $N26^{\circ}52'15''W$ 271.42 feet; thence $N74^{\circ}03'16''E$ 50.92 feet; thence $S26^{\circ}52'15''E$ 264.96 feet to the Point of Beginning.

2017 3639

FILED

2017 3640

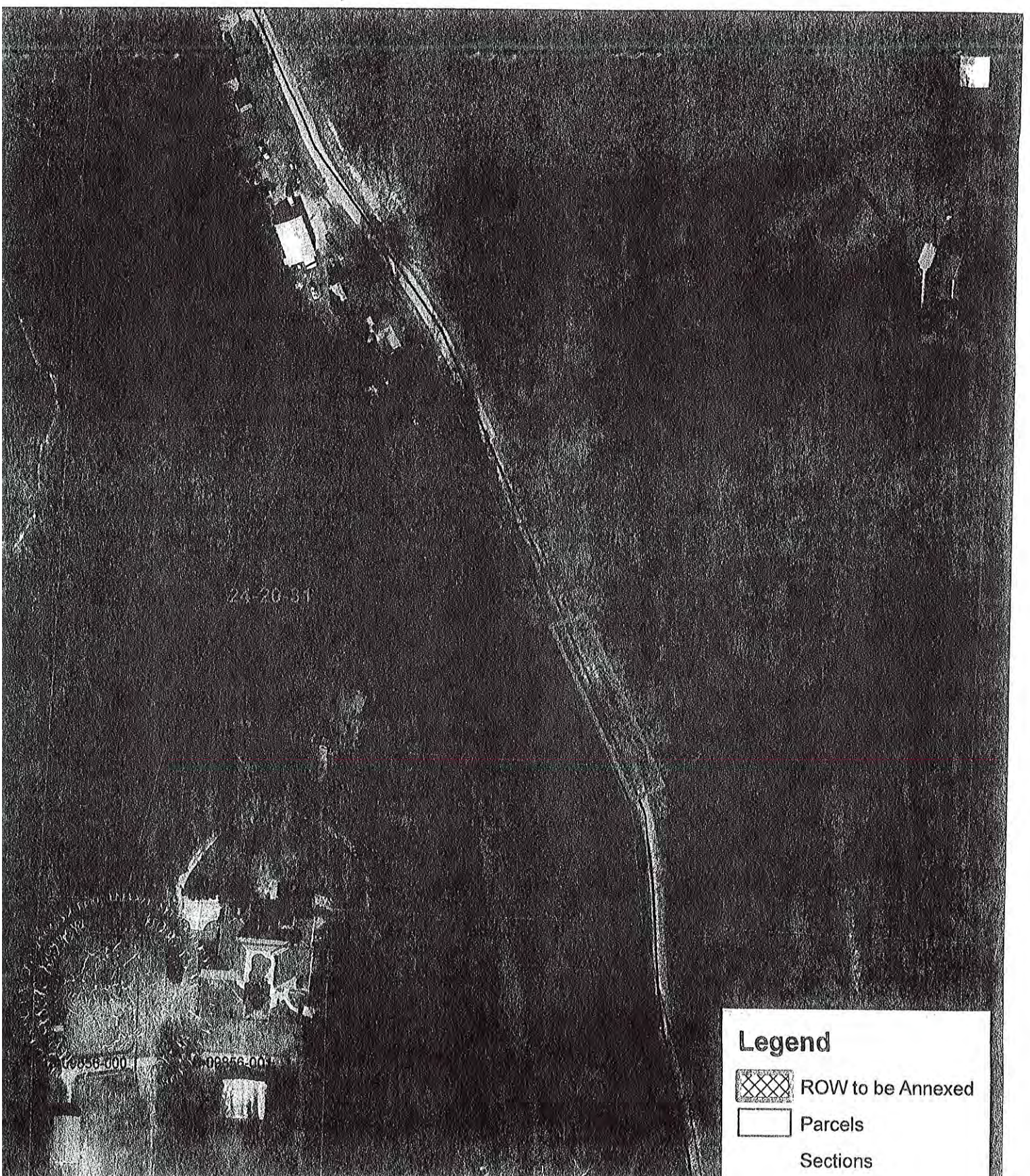
Exhibit "B"

2017 NOV -7 PM 12: 04

CC 2017-30

Abutting ROW to Annexation

TENA O'BRIEN
PUBLIC CLERK
COUNTY, ARK






24-20-31

00856-000

00856-000

Legend

-  ROW to be Annexed
-  Parcels
-  Sections

FILED

2017 NOV 29 PM 2:53

TENA G'BRIEN
CLERK & PROBATE CLERK
BENTON COUNTY, ARK.

IN THE MATTER OF ANNEXING TO THE
CITY OF BENTONVILLE, ARKANSAS
CERTAIN TERRITORY CONTIGUOUS TO SAID
CITY OF BENTONVILLE, ARKANSAS

CC 2017-30

ORDER CONFIRMING ANNEXATION

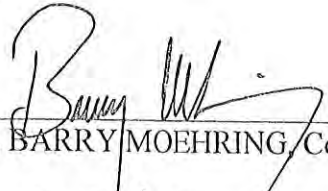
Now on this day is presented to the Court the complete file for the annexation of certain land to the City of Bentonville, Benton County, Arkansas, under this file number, including specifically a copy of the plat of the annexed property and a copy of the resolution or ordinance of the governing body of the city or town accepting the property for annexation, and having reviewed the file and all things considered, the Court finds that all the requirements of § 14-40-609 of the Arkansas Code have been complied with and further that the annexation is in all respects proper, including if applicable, that the annexing city or town has included in the legal description included with its resolution or ordinance accepting the property for annexation certain dedicated public roads and rights of way abutting or traversing the property to be annexed if required by the Court's previous order entered in this file.

IT IS THEREFORE CONSIDERED AND ORDERED that the annexation of the above described lands to the City of Bentonville, Benton County, Arkansas, is hereby confirmed and that the same is and shall hence forth comprise a part of the City of BENTONVILLE, Benton County, Arkansas.

FILED

DEC 28 2017

Arkansas
Secretary of State


HON. BARRY MOEHRING County Judge

11-29-17

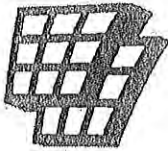
Date

2017 3934

FILED

2017 NOV -2 PM 1: 09

TENA OUBIEN
CLERK OF COURT
BENTON COUNTY, AR



ARKANSAS
GIS OFFICE

October 9, 2017

Mr. Jim Wheelless
GIS Coordinator – City of Bentonville
305 SW A Street
Bentonville, AR 72712

RE: City of Bentonville Annexation Coordination Requirement

Mr. Wheelless,

Thank you for coordinating with our office as you seek to annex property into the City of Bentonville described as the "Randle Annexation." This letter represents confirmation that you have properly coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90th General Assembly.

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Thank you,

Jennifer Wheeler, GIS Analyst
/jjw

Attachments:
GIS Office Map of Proposed Annexation
Secretary of State Municipal Change Checklist

FILED

DEC 28 2017

Arkansas
Secretary of State

H:\City_Annexations\Cities\Bentonville\20171009\Doc\ 20171009_Bentonville_Annexation_Coordination_Letter.docx

ARKANSAS GIS OFFICE · 1 CAPITOL MALL SUITE 6D · LITTLE ROCK · ARKANSAS · 72201

PHONE (501) 682-2767 · www.gis.arkansas.gov · FAX (501) 682-6077

FILED

2017 NOV -2 PM 1: 03

TINA D'BBEN
CLERK OF PROBATE CLERK
BENTON COUNTY, ARK.

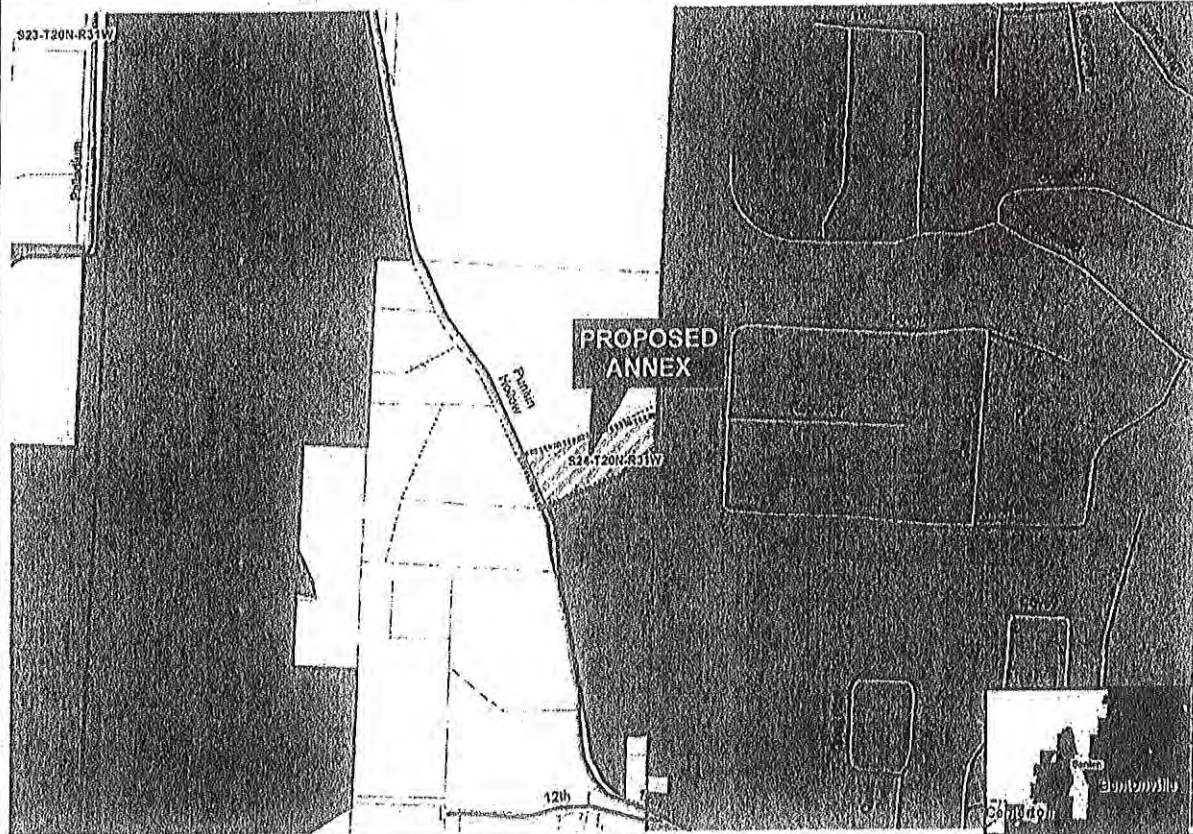
Proposed Annex: City of Bentonville "Randle Annexation"
October 2017

City: Bentonville
Mayor: Bob McCaslin

Arkansas Code 14-40-101

Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall cooperate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

The map contained herein, in evidence, the entity has met requirements of Act 914 of 2015.



- City
- County
- Parish
- Water
- Proposed City
- County
- County



ARKANSAS GIS OFFICE

1154, Arkansas Code 14-40-101

FILED

DEC 28 2017

Arkansas
Secretary of State